

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7491 of 1999

Between:

Swathi Nurse T & E., Development Society, Near Leela Mahal,
Rayapatinagar, Tirupati, rep. by its President, S.Sivaramaraju, Tirupati.

..... PETITIONER

AND

- 1 Government of A.P., rep. by its Secretary,
Health Medical and Family Welfare Department, Secretariat Buildings, Hyd.
- 2 Selection Committee, Para-Medical Institution, G-Block, First Floor, Room
No.214,
Secretariat Bldgs, Hyd, rep. by its Chairman.
- 3 Hussain Miyan Minority Educational Society, rep. by its President. S. Hussain
Miyan,
S/o. Late S. Gafoor Miyan, Aged 44 Years, R/o. Horsely Hills, Kotavuru Village,
Chittoor District.
- 4 Srinivasa Educational Academy, R.V.S.Nagar, Tirupati Road,
Chittoor rep. by its Secretary and Correspondent.
(RR-3 &4 are impleaded as per C.O. Dt. 2.9.2004 in WPMP.No. 17538/99 and
WPMP.16753OF 2004.)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus calling for the records relating to issuance of essential certificate and the recommendations of the second respondent forwarded to the Government on 25.3.1999 so far as Chittoor District is concerned and declare the same as highly arbitrary, null and void and consequently direct the respondents to issue essentiality certificate to the petitioner-society as per the merit assessment report submitted by three-member Expert Inspection Team and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner:MR.N.BHARAT BABU

Counsel for the Respondent Nos 1 and 2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent NO. 3: Mr. K. Janaki Rami Reddy

Counsel for the Respondent NO. 4: None appeared.

The Court made the following :

-

ORDER:

Heard the learned counsel appearing on either side.

The only grievance of the petitioner in this Writ Petition is against the action of the respondents in not considering the case of the petitioner for establishing a college vis-à-vis permission, which has been granted in favour of the contesting respondents 3 and 4.

The petitioner herein who seeks to establish a Nursing College submits that he has complied with all the requirements but however, his case has not been considered but the case of the respondents 3 and 4 was considered. This court granted interim direction in WPMP No. 9292 of 1999, on 22.6.2000 not to grant any essential certificate to any other institutions for starting private B.Sc (Nursing) Colleges in Chittor District. However, it is now submitted by the learned Senior Counsel appearing on behalf of the petitioner that in spite of such direction, the case of the respondents 3 and 4 has been considered and permission has been granted under Rules and they have established the colleges also. It is further submitted that now the Government is considering the establishment of one more college at the same place, therefore, there cannot be any impediment in considering the request of the petitioner for establishing a college subject to the compliance of all the requirements as contemplated under law.

The learned Government Pleader appearing on behalf of the respondents filed a counter affidavit stating that the case of the petitioner do not fall within the required conditions and as such no permission was granted, whereas the respondents 3 and 4 have complied all the requirements and hence, they have granted permission to establish the colleges.

Having regard to the submissions made and also having regard to the fact that in view of the subsequent developments, now the Government is once again considering the establishment of a college in addition to the colleges which have been granted permission to the respondents 3 and 4, the petitioner's college can as well form subject matter of consideration along with other applicants if any. The said request can as well be granted subject to the compliance of all the requirements as contemplated under Rules.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioners for establishing a private B.Sc (Nursing) College in Chittoor District. Subject to the compliance of all the requirements as contemplated under Rules.

19.11.2004

ka

To

- 1 Government of A.P., rep. by its Secretary,
Health Medical and Family Welfare Department, Secretariat Buildings, Hyd.**
- 2 Selection Committee, Para-Medical Institution, G-Block, First Floor, Room No.214,
Secretariat Bldgs, Hyd, rep. by its Chairman.**
- 3 Hussain Miyan Minority Educational Society, rep. by its President. S.
Hussain Miyan,
S/o. Late S. Gafoor Miyan, Aged 44 Years, R/o. Horsely Hills, Kotavuru Village,
Chittoor District.**
- 4 Srinivasa Educational Academy, R.V.S.Nagar, Tirupati Road,
Chittoor rep. by its Secretary and Correspondent.**
- 5. 2 CCs to G.P. for Medical Health and Family Welfare, High Court Buildings,
High Court of A.P., Hyderabad (OUT)**

6. 2CD copies.

